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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,692	10/04/2000	Glenn Reid	004860.P2475	9006

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EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,692

Applicant(s)

REID ET AL.

Examiner

Nhon (Gary) D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to amendment, filed 07/05/2005.
2. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-48 are pending in this application. Claims 1, 9, 17, 25, 37, 41, and 45 are independent claims. In this amendment, claims 2, 3, 5, 8, 10, 11, 13, 16, 18, 19, 21, 24, 26, 27, 29, and 32 are canceled, claims 1, 4, 9, 12, 15, 17, 20, 23, 25, 28, and 31 are amended, and claims 33-48 are added. This action is made non-final.

Claim Objections

3. Claims 7 and 33 are objected to because of the following informalities:

With respect to claim 7, the phrase “location *and or* size” in line 2 should be changed to “location *and* size”.

With respect to claim 33, it should depend on claim 1, instead of cancelled claim 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 4, 6, 7, 9, 12, 15, 34, 17, 20, 23, 25, 28, 31, and 33-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss et al. ("Weiss", US 5,900,877).

As per claims 1, 9, 17, 25, 37, 38, 41, 42, 45, and 46, Weiss teaches a computer implemented method and corresponding system for producing a graphical user interface, comprising the steps/means

storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer (e.g., col. 8, lines 40-63; a graphic file containing graphics control objects Button Up and Button Down are in respective layers 322 and 330), dictates at least one attribute of a control element and is editable by a user (e.g., col. 8, lines 40-63; these control objects, Button Up and Button Down, dictates the inactive and active attributes, respectively, of the button in figure 3C and the graphic file is inherently editable); and

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file (e.g., col. 8, lines 40-63).

As per claims 4, 12, 20, 28, 39, 43, and 47, Weiss teaches the at least one layer of the first control object is grouped with the other layers in the graphic file (e.g. col. 6, lines 12-32 and col. 8, lines 40-63; control object layers 322 and 330 in figure 3, for example, are grouped in the button control group 212 of fig. 2).

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As per claims 7, 15, 23, and 31, Weiss teaches the at least one attribute is at least one of an appearance and location and or size and element type and state and function and behavior in a particular environment (e.g., col. 8, lines 40-63).

As per claims 33-36, 40, 44, and 48, Weiss teaches the layers are linked (e.g., col. 8, lines 40-63; layers 322 and 330 are linked).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 14, 22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss.

As per claim 6, 14, 22, and 30, Weiss does not disclose the control element is an edit control to manipulate a time-based stream of information. Examiner takes Official Notice that the control elements such as button, checkbox, radio button, scrollbar and checklist in figure 2 would have been obvious to one of ordinary skill in the art to implement as edit controls to manipulate an audio or video editing system. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Weiss's control elements as edit controls to manipulate a time-based stream of information since it would have provided users of

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time-based stream system with more sophisticated computer controls having greater utility in addition to a more intuitive design

Response to Arguments

8. Applicant's arguments with respect to claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-48 have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BA HUYNH
PRIMARY EXAMINER